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IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 94

FRANK BONETTI, *Petitioner*

v.

WILLIAM P. ROGERS, ATTORNEY GENERAL OF THE UNITED STATES, et al.

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

REPLY BRIEF FOR PETITIONER

JOSEPH FORER
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The government's thesis is that because "entry" is defined as "any coming," the references to entry in the deportation clauses automatically mean any entry. This proves too much, as can be seen from the text of section 241(a), the deportation section, of the Immigration and Nationality Act.

Subsections 241(a)(1) and (2) of that Act, 8 U. S. C. 1251(a)(1) and (2), provide for the expulsion of any alien who "at the time of entry" was excludable under then existing law or who "entered the United State

without inspection." Among aliens expellable under the first of these subsections are those who entered the United States without a visa or other required entry document. See sec. 212(a)(20), 8 U. S. C. 1182(a)(20).

It cannot be contended, however, that an alien who has been inspected and admitted with a proper visa is deportable merely because on a prior occasion he had entered the United States without inspection or without entry documents and had thereafter left of his own accord. Were the case otherwise, the privilege of voluntary departure, which may be granted under section 244(e), 8 U. S. C. 1254(e), would be meaningless. The purpose of allowing voluntary departure is to enable a person ordered deported as an illegal entrant to re-enter under lawful conditions—a possibility which would otherwise be foreclosed by section 212(a)(17), 8 U. S. C. 1182(a)(17). But such a re-entry would do no good if the alien were still deportable thereafter because his prior entry had been illegal.

In short, "at the time of entry" in the first subdivision of section 241(a) means "at the time of last entry." "Entered the United States without inspection" in the second subdivision of section 241(a) means "last entered the United States without inspection." This leaves nowhere the government's argument that "after entry" in the sixth subdivision of 241(a) necessarily means "after any entry," rather than "after the last entry."

Respectfully submitted,

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